

AMENDED IN ASSEMBLY MARCH 30, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 2612

Introduced by Assembly Member Migden

February 23, 1998

An act to ~~add Sections 113947 and 113977 to~~ amend Section 113996 of the Health and Safety Code, relating to retail food facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2612, as amended, Migden. Retail food facilities.

Existing law, the California Uniform Retail Food Facilities Law, administered by the State Department of Health Services, establishes uniform health and sanitation standards for retail food facilities, as defined. The law requires the State Department of Health Services to adopt regulations to implement and administer those provisions, and delegates primary enforcement duties to local health agencies. Violation of the California Uniform Retail Food Facilities Law and regulations adopted pursuant thereto is a crime.

Existing law requires that all potentially hazardous food be held at or below or kept at or above certain temperatures at all times, with certain exceptions.

Existing law requires that all ready-to-eat foods prepared at the food facility from raw or incompletely cooked animal tissues be thoroughly cooked prior to serving, as prescribed, with certain exceptions for ready-to-eat foods made from or containing eggs, comminuted meat, or single pieces of meat,

including fish and seafood, when the consumer specifically orders that these foods be individually prepared less than thoroughly cooked.

This bill would, in addition, provide that a ready-to-eat food containing a raw or less than thoroughly cooked egg as an ingredient, including, but not limited to, a salad dressing or sauce, may be served if the facility notifies the consumer either orally or in writing that the food contains that ingredient and the consumer does not object to the preparation.

~~Existing law, the California Uniform Retail Food Facilities Law, establishes sanitation standards for retail food facilities. Existing law makes violation of these provisions a crime. Existing law requires that these provisions be enforced by the State Department of Health Services and primarily by local health agencies.~~

~~This bill would require, on or before July 1, 1999, the department, in consultation with various organizations, to develop standards in safe food handling practices, develop a written test to verify knowledge of basic food safety, and establish procedures for the posting of inspection results, and the closure, reinspection, and reopening of retail food facilities.~~

~~This bill would require, commencing January 1, 2000, as a condition of commencing or continuing operation of a retail food establishment, every manager or supervisor of a retail food establishment to complete training in safe food handling practices, as approved by the department.~~

~~By creating a new crime and increasing the enforcement duties of local health agencies, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~



~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~ *no*.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 113947 is added to the Health~~
2 *SECTION 1. Section 113996 of the Health and Safety*
3 *Code is amended to read:*
4 113996. (a) All ready-to-eat foods prepared at the
5 food facility from raw or incompletely cooked animal
6 tissues shall be thoroughly cooked prior to serving. For
7 purposes of this subdivision, food shall be thoroughly
8 cooked if it conforms to the following requirements,
9 except as specified in subdivision (b):
10 (1) Comminuted meat or any food containing
11 comminuted meat shall be heated to a minimum internal
12 temperature of 69 degrees Celsius (157 degrees
13 Fahrenheit), or an optional internal temperature of 68
14 degrees Celsius (155 degrees Fahrenheit) for 15 seconds.
15 (2) Eggs and foods containing raw eggs shall be heated
16 to a minimum internal temperature of 63 degrees Celsius
17 (145 degrees Fahrenheit).
18 (3) Pork shall be heated to a minimum internal
19 temperature of 68 degrees Celsius (155 degrees
20 Fahrenheit).
21 (4) Poultry, comminuted poultry, stuffed fish, stuffed
22 meat, stuffed poultry, and any food stuffed with fish,
23 meat, or poultry shall be heated to a minimum internal
24 temperature of 74 degrees Celsius (165 degrees
25 Fahrenheit).
26 (b) When foods containing raw or incompletely
27 cooked animal tissues specified in this section are

1 prepared in a microwave oven, they shall be heated at a
2 minimum internal temperature of 14 degrees Celsius (25
3 degrees Fahrenheit) above the minimum temperatures
4 specified in subdivision (a). During microwaving, the
5 food shall be completely enclosed in a container and
6 periodically stirred or rotated to assure even heat
7 distribution. Upon the completion of microwaving, the
8 enclosed food shall be left standing for a minimum of two
9 minutes to assure temperature equilibrium. This
10 subdivision does not apply to the heating of ready-to-eat
11 cooked foods or the defrosting of food items.

12 (c) (1) Ready-to-eat foods made from or containing
13 eggs or comminuted meat, or single pieces of meat,
14 including beef, veal, lamb, pork, fish, and seafood, that
15 have not been thoroughly cooked as provided in this
16 section may be served if the consumer specifically orders
17 that these foods be individually prepared less than
18 thoroughly cooked.

19 (2) *In addition to paragraph (1), a ready-to-eat food*
20 *containing a raw or less than thoroughly cooked egg as an*
21 *ingredient, including, but not limited to, a salad dressing*
22 *or sauce, may be served if the facility notifies the*
23 *consumer either orally or in writing that the food contains*
24 *that ingredient and the consumer does not object to the*
25 *preparation.*

26 (d) The department shall authorize alternative time
27 and temperature minimum heating requirements to
28 thoroughly cook the food identified in this section when
29 the food facility or person demonstrates to the
30 department that the alternative heating requirements
31 provide an equivalent level of food safety.

32 (e) For purposes of this section, “meat” means the
33 tissue of animals used as food, including beef, veal, lamb,
34 pork, and other edible animals, except eggs, fish, and
35 poultry, that is offered for human consumption.

36 (f) It is the intent of the Legislature that the
37 requirements of this section be uniformly enforced. The
38 department shall train and provide guidance to local
39 health departments to promote uniform enforcement of
40 the requirements specified in this section.

(g) This section shall remain in effect only until January 1, 2001, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2001, deletes or extends that date.

and Safety Code, to read:

~~113947. On or before July 1, 1999, the department, in consultation with the California Conference of Directors of Environmental Health (CCDEH), representatives of the retail food industry, and other interested parties, shall do all of the following:~~

~~(a) Develop standards for safe food handling practices and a written test designed to verify knowledge of basic food safety.~~

~~(b) Establish procedures for the posting of inspection results, and the closure, reinspection, and reopening of retail food facilities.~~

~~(c) Investigate the feasibility of expanding the training requirements of retail food establishments under Section 113977 to apply to all retail food facilities.~~

~~SEC. 2. Section 113977 is added to the Health and Safety Code, to read:~~

~~113977. Commencing January 1, 2000, as a condition of commencing or continuing operation of a retail food establishment, every manager or supervisor of a retail food establishment shall be required to complete training in safe food handling practices that meets the standards developed pursuant to subdivision (a) of Section 113947 and as approved by the department.~~

~~SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because in that regard this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.~~

~~However, notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates~~

1 ~~determines that this act contains other costs mandated by~~
2 ~~the state, reimbursement to local agencies and school~~
3 ~~districts for those costs shall be made pursuant to Part 7~~
4 ~~(commencing with Section 17500) of Division 4 of Title~~
5 ~~2 of the Government Code. If the statewide cost of the~~
6 ~~claim for reimbursement does not exceed one million~~
7 ~~dollars (\$1,000,000), reimbursement shall be made from~~
8 ~~the State Mandates Claims Fund.~~
9 ~~Notwithstanding Section 17580 of the Government~~
10 ~~Code, unless otherwise specified, the provisions of this act~~
11 ~~shall become operative on the same date that the act~~
12 ~~takes effect pursuant to the California Constitution.~~

